

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

JOSE AND MARIA REYNA,

Plaintiffs,

V.

**GEOVERA SPECIALTY INSURANCE
COMPANY,**

Defendant.

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CIVIL ACTION NO. _____

**DEFENDANT GEOVERA SPECIALTY INSURANCE COMPANY'S
NOTICE OF REMOVAL**

TO THE HONORABLE COURT:

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant GeoVera Specialty Insurance Company (“GeoVera” or “Defendant”) files this Notice of Removal to the United States District Court for the Southern District of Texas, Galveston Division, on the basis of diversity of citizenship and amount in controversy and respectfully show:

I. FACTUAL AND PROCEDURAL BACKGROUND

1. On August 23, 2019, Plaintiffs Jose and Maria Reyna filed their Original Petition, styled *Jose and Maria Reyna v. GeoVera Specialty Insurance Company*, Cause No. 2019-59460, in the 157th Judicial District Court, Harris County, Texas. The lawsuit arises out of a claim Plaintiffs made for damages to their property under an insurance policy issued by GeoVera.

2. Plaintiffs served GeoVera with a copy of the Plaintiffs’ Original Petition and Request for Disclosure on September 30, 2019.

3. GeoVera's Answer was filed on October 21, 2019.

4. GeoVera files this notice of removal within 30 days of receiving Plaintiffs' Citation and Original Petition. *See* 28 U.S.C. § 1446(b). This Notice of Removal is being filed within one year of the commencement of this action. *Id.* All process, pleadings, and orders in the state court action are attached to this Notice as required by 28 U.S.C. § 1446(a). A copy of this Notice is also concurrently being filed with the state court and served upon Plaintiffs.

5. As required by 28 U.S.C. § 1446(a), and Rule 81 of the Local Rules for the United States District Court of the Southern District of Texas, being filed simultaneously with the filing of this Notice of Removal:

Exhibit A: Index of Matters Being Filed

Exhibit B: Docket Sheet

Exhibit C: Plaintiffs' Original Petition and Request for Disclosure

Exhibit D: Request for Issuance of Service file-stamped 8/23/19

Exhibit E: Civil Process Pickup Form dated 9/3/19

Exhibit F: Citation served on GeoVera Specialty Insurance Company on 9/9/19

Exhibit G: Request for Issuance of Service file-stamped 9/20/19

Exhibit H: Civil Process Pickup Form dated 9/24/19

Exhibit I: Citation served on GeoVera Specialty Insurance Company on 9/30/19

Exhibit J: Defendant's Motion to Transfer Venue and Original Answer to Plaintiffs' Original Petition

Exhibit K: List of Parties and Counsel

II. BASIS FOR REMOVAL

6. Removal is proper based on diversity of citizenship under 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446.

A. Plaintiffs and Defendant GeoVera are diverse.

7. **Plaintiffs Jose Reyna and Maria Reyna** are individuals residing in Chambers County¹, Texas;

8. **Defendant, GeoVera Specialty Insurance Company** is incorporated under the laws of the State of California, with its principal place of business in Fairfield, California. GeoVera is therefore not a citizen of the State of Texas for diversity purposes.

9. Thus, this lawsuit is between citizens of different states, and there is complete diversity of citizenship between Plaintiffs and GeoVera.

B. The Amount in Controversy Exceeds the Jurisdictional Requirements for Subject Matter Jurisdiction.

10. This is a civil action in which the amount in controversy exceeds \$75,000.00. Plaintiffs' Original Petition expressly alleges that "Plaintiffs seek monetary relief over \$200,000 but not more than \$1,000,000." (Pls' Orig. Pet. ¶64). Thus, the express allegations in the Petition exceed the amount in controversy threshold of \$75,000.00.

III. THIS REMOVAL IS PROCEDURALLY CORRECT

11. GeoVera received service of this lawsuit on September 30, 2019. Thus, GeoVera is filing this Notice within the 30-day time period required by 28 U.S.C. § 1446(b).

12. Venue is proper in this District and Division under 28 U.S.C. §1446(a) because this District and Division embrace a substantial part of the events giving rise to Plaintiffs' claims

¹ See Defendant's Motion to Transfer Venue and Original Answer, Exhibit J, paragraph I.

allegedly occurred in this District and Division, including the location of the residential property at issue.

13. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

14. Promptly after GeoVera files this Notice of Removal, written notice of the filing will be given to Plaintiffs pursuant to 28 U.S.C. §1446(d).

15. Promptly after GeoVera files this Notice of Removal, a true and correct copy of same will be filed with the Clerk of the Harris County District Court pursuant to 28 U.S.C. §1446(d).

CONCLUSION

16. Based upon the foregoing, the exhibits submitted in support of this removal, and other documents filed contemporaneously with this Notice of Removal, Defendant GeoVera hereby removes this case to this Court for trial and determination.

Respectfully submitted,

/s/ Rhonda J. Thompson

Rhonda J. Thompson
State Bar No. 24029862
So. Dist. No.: 17055

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**COUNSEL FOR DEFENDANT
GEOVERA SPECIALTY INSURANCE
SERVICES**

CERTIFICATE OF SERVICE

This is to certify that on the 30th day of October, 2019, a true and correct copy of the foregoing was delivered to the following counsel of record in accordance with the Federal Rules of Civil Procedure:

Shane McClelland
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Counsel for Plaintiffs

/s/ Rhonda J. Thompson

Rhonda J. Thompson